

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Matthew Houston,

Case No.: 2:19-cv-01371-JAD-DJA

Plaintiff

Ninth Circuit Case No. 22-16439

V.

Jerry Howell, et al.,

Order Revoking *in forma pauperis* Status

Defendant

8 The United States Court of Appeals for the Ninth Circuit referred this matter back to this
9 court for the limited purpose of determining whether *in forma pauperis* status should continue
10 for this appeal. The decision to continue such status turns on whether the entirety of Houston's
11 appeal is frivolous, for “[i]f at least one issue or claim is found to be non-frivolous, leave to
12 proceed in forma pauperis on appeal must be granted for the case as a whole.”¹

In this civil-rights case, plaintiff Matthew Houston sued the Clark County Detention Center, Casa Grande Transitional Housing, and various Nevada Department of Corrections officials, appearing to allege that “he was denied mental-health court, maliciously prosecuted and wrongfully convicted, denied transitional housing at Casa Grande, held months past his parole-eligibility date, and was not accommodated under the Americans with Disabilities Act.”² On May 20, 2020, I screened his complaint under 28 U.S.C. § 1915A, found that he did not state a claim upon which relief could be granted, and gave him detailed instructions to amend his complaint.³ Because Houston failed to file an amended complaint by the court’s deadline to do

¹ *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

²³ |² ECF No. 24 at 2–3.

³ *Id.* at 3-13.

1 so, I dismissed his case on June 26, 2020.⁴ More than two years later, Houston filed this appeal
2 of my dismissal order.⁵ **Because the appeal from the dismissal order is frivolous, patently**
3 **untimely, and not taken in good faith, IT IS HEREBY ORDERED THAT the district court**
4 **revokes *in forma pauperis* status so *in forma pauperis* status will not continue on appeal.**

5 The Clerk of Court is directed to **SEND a copy of this order to the Clerk of the United**
6 **States Court of Appeals for the Ninth Circuit for Case No. 22-16439.**

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U.S. District Judge Jennifer A. Dorsey
September 22, 2022

⁴ ECF No. 25.

⁵ ECF No. 31.